

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
EASTERN DIVISION

CIVIL ACTION NO.: 4:19-cv-00030-BO

STAN C. STANLEY,

Plaintiff,

vs.

UNIVERSAL CABLE HOLDINGS, INC.
d/b/a SUDDENLINK COMMUNICATIONS,

Defendant.

**DEFENDANT'S PRETRIAL
DISCLOSURES**

INTRODUCTION

Defendant Universal Cable Holdings, Inc. d/b/a Suddenlink Communications (hereinafter "Defendant" or "Suddenlink") through its undersigned counsel, submit these pretrial disclosures to Plaintiff as required by Rule 26(a)(3) of the Federal Rules of Civil Procedure:

I. WITNESSES TO BE CALLED (Rule 26(a)(3)(A)(i))

	<u>Name</u>	<u>Address</u>	<u>Telephone</u>
1.	Arbaugh, Duska	c/o Ann H. Smith Jackson Lewis P.C. 3737 Glenwood Avenue Suite 450 Raleigh, NC 27612	(919) 760-6460
2.	Autry, John	c/o Ann H. Smith Jackson Lewis P.C. 3737 Glenwood Avenue Suite 450 Raleigh, NC 27612	(919) 760-6460
3.	Lugo, Jose	c/o Ann H. Smith Jackson Lewis P.C. 3737 Glenwood Avenue Suite 450	(919) 760-6460

		Raleigh, NC 27612	
4.	Stanley, Stan	c/o Ciara L. Rogers The Law Offices of Oliver & Cheek, PLLC, Post Office Box 1548, New Bern, NC 28563	(919) 987-2024

Defendant further state that, as of this filing, they may call the following witnesses if the need arises:

	<u>Name</u>	<u>Address</u>	<u>Telephone</u>
1.	Fryer-Williams, Tracy	2520 Portertown Road Greenville, NC 27834	(252) 347-6547
2.	McKittrick, Scott	c/o Ann H. Smith Jackson Lewis P.C. 3737 Glenwood Avenue Suite 450 Raleigh, NC 27612	(919) 760-6460
3.	Penny, Aaron	c/o Ann H. Smith Sidney O. Minter Jackson Lewis P.C. 3737 Glenwood Avenue Suite 450 Raleigh, NC 27612	(919) 760-6460

In addition to the specifically identified witnesses above, Defendant also reserves the right to call any and all witnesses listed by Plaintiff, witnessed listed or identified in discovery responses, and any witnesses necessary for the purposes of impeachment or rebuttal. Further, Defendant may also call any witnesses and record custodians necessary to authenticate any documents noted herein.

II. DEPOSITION TESTIMONY (Rule 26(a)(3)(A)(ii))

In accordance with Rule 26(a)(3)(A)(ii), Defendant make the required designation of those witnesses whose testimony is expected to be presented by means of a deposition:

	<u>Name</u>	<u>Address</u>	<u>Telephone</u>
1.	Smith, Sam	c/o Ann H. Smith Jackson Lewis P.C. 3737 Glenwood Avenue Suite 450 Raleigh, NC 27612 (919) 760-6460	(919) 760-6460

This includes a Trial Deposition to be noticed and taken prior to trial. Defendant reserves the right to use deposition testimony of other witnesses as needed for purposes of impeachment, for purposes such as refreshing collection, or for other appropriate purposes allowed under the Federal Rules of Evidence and to designate portions of such testimony that may become necessary at trial.

III. EXHIBITS (Rule 26(a)(3)(A)(iii))

In accordance with Rule 26(a)(3)(A)(iii), Defendant state that they expect to offer the following documents as exhibits at trial, provided that all appropriate measures are taken to ensure the confidentiality of any information contained within the exhibits that might be subject to existing protective orders or otherwise be protected from disclosure by statute or other law:

	DE # Depo. Ex. # Pl. Bates # Def. Bates #	DOCUMENT
1.	Arbaugh Deposition Exhibit 16 Suddenlink_000002	Equal Employment Opportunity Policy

	DE # Depo. Ex. # Pl. Bates # Def. Bates #	DOCUMENT
2.	Arbaugh Deposition Exhibit 17 Stanley Deposition Exhibit 5 Suddenlink_000003-05	Harassment Prevention Policy
3.	Stanley Deposition Exhibit 1 DE # 1-1 Suddenlink_000011-13	Plaintiff's EEOC Charge (October 3, 2017)
4.	Stanley Exhibit 19 Suddenlink_000088	EEOC Dismissal and Notice of Rights (December 3, 108)
5.	Stanley Deposition Exhibit 12 Suddenlink_000092-94	EEOC Intake Interview Notes (October 3, 2017)
6.	Suddenlink_000095	EEOC Charging Party Interview (February 6, 2018)
7.	Stanley Deposition Exhibit 18 Suddenlink_000113-16	EEOC Intake Questionnaire (October 3, 2017)
8.	Suddenlink_000142	February 7, 2017 email exchange between Plaintiff and Samuel Smith re: Process / Product Updates
9.	Suddenlink_000146-147	July 5, 2017 Email to Samuel Smith re: Cameron - Accomplishments
10.	Plaintiff 000047 Suddenlink_000154	January 17, 2017 Email exchange between Plaintiff and Samuel Smith re: Hey Dude
11.		
12.	Suddenlink_000207	August 29, 2017 Email to Samuel Smith from Cameron Stanley re: Unacceptable Behavior
13.	Autry Deposition Exhibit 2	Organizational Chart

	DE # Depo. Ex. # Pl. Bates # Def. Bates #	DOCUMENT
	Lugo Deposition Exhibit PM-2 Suddenlink 000224	
14.	Stanley Deposition Exhibit 10 Plaintiff 000057-58 Suddenlink 000276-278	August 28, 2017 Email to Cameron Stanley regarding Lunch Conversation with Sam – About Inappropriate video from Aaron
15.	DE # 43-1, Exhibit 3, pp. 5-6 Suddenlink 000297-298	EthicsPoint Report #802, July 28, 2016
16.	Suddenlink_000301-302	August 2, 2016 Email from Michael Tarrant regarding SBS Office Issues
17.	Suddenlink 000304-305	November, 2, 2016 Meeting Notes
18.	DE # 43-1 Exhibit 4, pp. 7-10 Suddenlink_000308-11	December 22, 2016 Memo from Colleen Dunn re: Conversation with Scott McKitrick
19.	DE # 43-1, Exhibit 5, pp. 11-12 Suddenlink_000312-313	January 6, 2017 notes from Colleen Dunn regarding Conversation with: Andrea Nelson
20.	DE # 43-1, Exhibit 10, p. 44-45 Suddenlink_000322-23	August 29, 2017 Incident Report
21.	Suddenlink_000324	September 21, 2017 Email from Aaron Penny
22.	Suddenlink_000325	September 21, 2017 Email from Cameron Stanley re: Per your Request
23.	DE # 43-1, Exhibit 14, pp. 54-57 DE # 50, pp. 13-16 Arbaugh Deposition Exhibit 27	September 22, 2017 Investigative Report re: 8/25 Conference Call—Subject: Beaufort County Schools, Washington, NC (Refresh)

	DE # Depo. Ex. # Pl. Bates # Def. Bates #	DOCUMENT
	Suddenlink 000326-329	
24.	DE # 43-1, Exhibit 8, pp. 19-29 Suddenlink_000379-388	2014 Annual Performance Review
25.	DE # 43-1, Exhibit 9, pp. 29-43 Suddenlink 000389-403	2015 Performance Review
26.	DE # 43-1, Exhibit 2, pp. 2-4 DE # 52, pp. 2-4 Lugo Deposition Exhibit 15 Stanley Deposition Exhibit 4 Suddenlink_000413-15	Job Description: Sales Engineer
27.	Stanley Deposition Exhibit 9 Suddenlink 000428	August 29, 2017 Email from Samuel Smith re: unacceptable Behavior
28.	Suddenlink_000435	August 30, 2017 Notes from Duska Arbaugh re: Meeting with Cameron Stanley
29.	Suddenlink_000442-448	August 31, 2017 Email from Stephen Tulloh re: Beaufort County Schools – Team Conference Call
30.	Suddenlink_000471-473	September 19, 2017 Notes from Interview with Cameron Stanley
31.	DE # 50, pp. 3-4 Arbaugh Deposition Exhibit 24 Suddenlink 000477-78	Handwritten notes from interview with Cameron Stanley

	DE # Depo. Ex. # Pl. Bates # Def. Bates #	DOCUMENT
	Suddenlink 002941	
32.	Stanley Deposition Exhibit 13 Suddenlink_000496-504	August Call Details for 252-717-6677; Cameron Stanley
33.	Suddenlink_000505-507	Call Details re: 252-347-6547
34.	DE # 43-1, Exhibit 6, pp. 13-17 Suddenlink_000898-902	January 25, 2017 Investigative Report re: Response to Complaint from Tracy Fryer-Williams #031582
35.	Suddenlink_001591-592	September 19, 2017 Email from Cameron Stanley re: Type 2 Call – Aug 23 rd – What I know
36.	Suddenlink_001530	September 19, 2017 Email from Cameron Stanley re: Conversation with Stanley, Cameron
37.	Suddenlink_001771-73	September 21, 2017 Email from Duska Arbaugh re: Per your request
38.	Stanley Deposition Exhibit 17 Plaintiff 000049 Suddenlink_001775	September 21, 2017 Email from Cameron Stanley re: Per your request
39.	Suddenlink_001818-819	August 29, 2017 Email from Cameron Stanley re: Ethics Point for Complaints
40.	Suddenlink_001820	August 29, 2017 Email from Cameron Stanley re: Conversation with Sam – About Nasty video sent to my work phone
41.	DE # 58, p. 2 Suddenlink_002045	August 28, 2017 Email from Cameron Stanley re: Conversations with Stanley, Cameron
42.	Suddenlink_002171	August 28, 2017 Email from John Autry re: Conversation with Stanley, Cameron

	DE # Depo. Ex. # Pl. Bates # Def. Bates #	DOCUMENT
43.	Suddenlink_002434-435	Notes from John Autry re: Private conversation with Cameron Stanley—September 8, 2017
44.	Arbaugh Deposition Exhibit 18 Suddenlink_002580-2620 Plaintiff 000179-219	Suddenlink Employee Handbook (Revised 2015)—selected provisions
45.	Suddenlink_0002939-940	2019 Telephone Book
46.	Suddenlink_003219	Learning Report for Plaintiff
47.	Fryer-Williams Deposition Exhibit 5	Hand Drawn Map
48.	Fryer-Williams Deposition Exhibit 14 Plaintiff 000020	May 18, 2016 Email from Tracy Fryer-Williams re: Notes about Cold Call Rocky Mount
49.	Fryer Williams Deposition Exhibit 15 Plaintiff 000021-37	Tracy Fryer-Williams documentation of events
50.	Stanley Deposition Exhibit 1 DE # 1	Complaint
51.	Stanley Deposition Exhibit 16 Plaintiff 000048	September 21, 2017 Email from Cameron Stanley re: Per your request
52.	Plaintiff 000050	August 26, 2016 email from Cameron Stanley re: Per Your request
53.	Plaintiff 000051-52	August 4, 2016 email from Cameron Stanley re: Please see below.....

	DE # Depo. Ex. # Pl. Bates # Def. Bates #	DOCUMENT
54.	DE # 43-1, Exhibit 15, p. 58-59	August 30, 2017 Email from Cameron Stanley re: Unacceptable Behavior

In addition to the specifically enumerated exhibits listed above, Defendant state that they may offer the following documents as exhibits at trial if the need arises:

- All documents filed by Plaintiff in support of Plaintiff's Memorandum of Law In Opposition to Motion for Summary Judgment filed by Defendant;
- All exhibits listed by Plaintiff;
- All documents listed in Plaintiff's Pre-Trial Disclosures or used by Plaintiff at trial;
- All pleadings in this action;
- Plaintiff's Initial Discovery Disclosures and any amendments or supplements;
- Defendant's Amended Initial Discovery Disclosures;
- Plaintiff's Discovery Responses, including any amended or supplemental responses to Suddenlink's First Set of Interrogatories and Request for Production of Documents, and all documents provided with all of the foregoing;
- Defendant's Discovery Responses, including Defendant's Responses and Objections to Plaintiff's First Set of Interrogatories and Requests for Production of Documents, Defendant's Responses and Objections to Plaintiff's Second Set of Interrogatories and Requests for Production of documents, and all documents provided with all of the foregoing;
- All deposition transcripts and deposition exhibits, including those of Plaintiff, Duska Arbaugh, John Autry, Jose Lugo, and Tracy Fryer-Williams, as well as Supplemental Information served on November 20, 2020, in connection with the 30(b)(6) Deposition of Defendant; and
- All Sworn Declarations, including those of Plaintiff, Duska Arbaugh, John Autry, Christopher Manning, and Tracy Fryer-Williams.

Defendant will supplement this disclosure prior to trial should the identity of any further witnesses or exhibits that are required to be disclosed pursuant to Rule 26(a)(3) of the Federal Rules of Civil Procedure become known to Defendant.

Respectfully submitted this the 25th day of June 2021.

JACKSON LEWIS P.C.

BY: /s/ Ann H. Smith
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Plaintiff,

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UNIVERSAL CABLE HOLDINGS, INC.

d/b/a

SUDDENLINK

COMMUNICATIONS,

Defendant.

CERTIFICATE OF SERVICE

The undersigned counsel certifies that on June 25, 2021, the foregoing *Defendant's Pretrial Disclosures* was electronically filed with the Clerk of the Court, using the Court's CM/ECF electronic service system which will send notification of such filings as follows to the below. Additionally, the undersigned counsel certifies that on June 24, 2021 the foregoing *Defendant's Pretrial Disclosures* was served on all parties and their counsel by electronic mail and depositing same in the United States Mail, postage prepaid and addressed as follows:

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Attorney for Plaintiff

JACKSON LEWIS P.C.

BY: /s/ Ann H. Smith

ANN H. SMITH

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